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11 Wendy's International, Inc.

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 ELLIOTT LEWIS, an individual, on  
16 behalf of himself, and all others  
17 similarly situated,

17 Plaintiff,

18 v.

19 WENDY'S INTERNATIONAL, INC.,  
20 a Corporation; and DOES 1-20,  
21 inclusive,

21 Defendant.

Case No. 09-CV-7193 MMM (JCx)

Judge: Margaret M. Morrow

**DEFENDANT WENDY'S  
INTERNATIONAL INC.'S  
NOTICE OF SERVICE OF CAFA  
NOTICE ON FEDERAL AND  
STATE ATTORNEYS GENERAL**

1 PLEASE TAKE NOTICE that on October 25, 2010, in compliance with 28  
2 U.S.C. § 1715(b), Defendant Wendy's International, Inc. served the Attorney  
3 General of the United States and the Attorney General of the State of California  
4 with the following:

5 1. Notice that the parties have proposed a class action settlement in the  
6 above-referenced action;

7 2. Notice that a hearing on the parties' Joint Motion for Preliminary  
8 Approval of the settlement is scheduled for January 24, 2011 at 10:00 am before  
9 Judge Margaret M. Morrow in the United States District Court, Central District of  
10 California, Western Division, Roybal Federal Building, Courtroom 780, located at  
11 255 East Temple Street, Los Angeles, California 90012;

12 3. Notice of the estimated number of potential class members, and the  
13 estimated proportion of those class members residing in California;

14 4. A copy of the Class Action Complaint (filed with the Los Angeles  
15 County Superior Court) and a copy of the First Amended Class Action Complaint  
16 and Second Amended Class Action (filed with the United States District Court,  
17 Central District);

18 5. A copy of the Settlement Agreement entered into by the parties, along  
19 with the proposed notice of class action settlement and proposed request for  
20 exclusion form, all of which have been filed with the Court.

21 Dated: November 1, 2010

JONES DAY

22 By: /s/  
23 Mark D. Kemple

24 Attorney for Defendant  
25 Wendy's International, Inc.  
26  
27

28 LAI-3112348v1

**PROOF OF SERVICE**

I, Jean E. Asuncion, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On November 1, 2010, I served a copy of the within document(s):

**DEFENDANT WENDY'S INTERNATIONAL INC.'S NOTICE OF SERVICE OF CAFA NOTICE ON FEDERAL AND STATE ATTORNEYS GENERAL**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Douglas N. Silverstein, Esq.  
Michael G. Jacob, Esq.  
Kesluk & Silverstein, P.C.  
9255 Sunset Blvd. Ste. 411  
Los Angeles, CA 90069

Alan Burton Newman, Esq.  
4344 Promenade Way, Suite 104  
Marina Del Rey, CA 90292

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

1 I declare that I am employed in the office of a member of the bar of this court at whose  
2 direction the service was made.

3 Executed on November 1, 2010, at Los Angeles, California.  
4

5   
6 Jean E. Asuncion